IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.3753 OF 2001
IN
FIRST APPEAL NO.445 OF 2007

Ananda Pandurang Patil (Chougule) ...Applicant

vs.

Prakash Bhagwan Patil and others ...Respondents

Mr.A.B.Borkar for the Applicant
Mr.Vijay Patil for Respondent No.1
Mr.J.S.Chandnani for Respondent No.3.

CORAM: A.S.OKA,J.
DATE : FEBRUARY 21,2007.

P.C.:

1. Heard learned Advocate for the Applicant and the Advocates for the first and third respondents. The Applicant has deposited a sum of Rs.7,000/- with the Tribunal in Execution Application and a sum of Rs.18,000/- has been deposited in this Court. The said amount deposited in this Court shall be transferred to the concerned tribunal.

2. The Applicant will have to deposit the balance amount due and payable as per the impugned Judgment and Award as of today with the Tribunal as a condition for grant of stay. One of contentions raised in the Appeal is that income of the first Respondent is taken on the higher side. Considering the facts and circumstances of the case, the first Respondent will have to be permitted to withdraw a substantial amount.

3. Hence, Application is disposed of by passing the following order :

i) There will be interim relief in terms of prayer clause (b) subject to the condition of the Applicant depositing the entire amount due and payable as per the impugned Award as of today with the concerned Tribunal within a period of three month from today.

ii) The Applicant will be entitled to adjust the total amount of Rs.25,000/- deposited till today towards the aforesaid amount.

iii) If compliance is not made within stipulated time, interim relief will stand vacated without further reference to the court.

iv) If compliance is made within time, the Tribunal will permit the first Respondent to withdraw 50% of the compensation amount without security and remaining 50% of the amount on furnishing adequate security.

v) Before accepting the security the Applicant will be heard.

vi) There will be no order as to costs.

JUDGE